

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARDEN CITY BOXING CLUB, INC.

Plaintiff

CIVIL NO. 07-CV-8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.
d/b/a TENTACIONES MEXICANAS RESTAURANT
and UBALDO GUERRERO

Defendant

NOTICE OF MOTION
FOR DEFAULT JUDGMENT

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Sirs:

PLEASE TAKE NOTICE that a final judgment of which the within is a copy will be presented to the Honorable Laura Taylor Swain, Judge of the United States District Court for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, on the 20th day of May, 2008 at 12:00 o'clock p.m.

Mt. Sinai, NY
May 5, 2008

By: /s/ Paul J. Hooten
Paul J. Hooten
Paul J. Hooten & Associates
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766

To: Tentaciones Poblanas Restaurant, Inc.
d/b/a Tentaciones Mexicanas Restaurant
989 Westchester Avenue
Bronx, NY 10459

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff

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-AGAINST-

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DEFAULT JUDGMENT

Defendant

-----X

This action having been commenced on October 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, Tentaciones Poblanas Restaurant, Inc, d/b/a Tentaciones Mexicanas Restaurant on December 6, 2007, and a proof of service having been filed on December 17, 2007 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired. The Clerk also noted the defendant's default on April 10, 2008, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the amount of \$20,000.00 with interest at 9% from November 27, 2004, amounting to \$6,150.00; plus costs and disbursements of this action in the amount of \$470.00, amounting in all to \$26,620.00.

Dated: New York, New York

Laura Taylor Swain
United States District Judge

This document was entered on the docket
on _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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GARDEN CITY BOXING CLUB, INC.

Plaintiff 07 CV 8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.
d/b/a TENTACIONES MEXICANAS RESTAURANT
and UBALDO GUERRERO

AFFIDAVIT FOR JUDGMENT
BY DEFAULT

Defendant
-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the
firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action and I am
familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil
Rules for the Southern District of New York, in support of plaintiffs application for the entry of a
default judgment against defendant.

2. This is an action to recover the unauthorized exhibition of the telecast
of the November 27, 2004, boxing match between Erik Morales and Marco Antonio Barrera III
by the defendant. See attached summons and complaint attached hereto as Exhibit "A".

3. This action was commenced on October 10, 2007 by the filing of the summons and
complaint. A copy of the summons and complaint was served on the defendant Tentaciones
Poblanas Restaurant Inc. d/b/a Tentaciones Mexicanas on December 6, 2007 by service on Carol

Vogt, Clerk Authorized to Accept in the office of the Secretary of State of New York. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from November 27, 2004, amounting to \$6,150.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$26,620.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York
May 5, 2008

/s/ Paul J. Hooten
Paul J. Hooten (PJH9510)

Sworn to before me this
5th day of May, 2008

/s/ Cheryl E. Lorefice
Notary Public

Cheryl E. Lorefice
Notary Public, State of New York
No. 4999823
Qualified in Suffolk County
Commission Expires August 3, 2010

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Plaintiff

07 CV 8753

-AGAINST-

TENTACIONES POBLLANAS RESTAURANT, INC.
d/b/a TENTACIONES MEXICANAS RESTAURANT
and UBALDO GUERRERO

STATEMENT OF DAMAGES

Defendant

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Amount of judgment \$20,000.00

Interest at 9% from November 27, 2004 0through April, 2008 \$ 6,150.00

Costs and Disbursements:

Clerk's fee \$ 350.00

Process Server fee for service \$ 120.00

Total as of April 2008..... \$26,620.00

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d/b/a TENTACIONES MEXICANAS RESTAURANT
and UBALDO GUERRERO

CERTIFICATE OF SERVICE

Defendant
-----X

I certify that a copy of the Notice of Settlement, Default Judgment, Affidavit for Judgment by Default, Affidavit of Service of the Summons and Complaint, Clerk's Certificate of Default and Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail, addressed to the following on May 5, 2008:

Tentaciones Poblanas Restaurant, Inc.
d/b/a Tentaciones Mexicanas Restaurant
989 Westchester Avenue
Bronx, NY 10459

By: /s/ Paul J. Hooten
Paul J. Hooten, Esquire
Attorney for Plaintiff
5505 Nesconset Highway, Suite 203
Mt. Sinai, NY 11766
Telephone (631) 331-0547